



March 26, 2015

To: Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12th Street, SW  
Washington, DC 20554

**Subject: Appeal of USAC Funding Decision - Docket 02-6**

**Request for Reconsideration**

**Request For Review**

From: Torah Umesorah Library

Rabbi Binyomin Holland

Entity # 16063235

620 Foster Ave. Brooklyn, NY 11230

bholland@torah-umesorah.org

Re: FRN's 2281538, 2281539, 2281540, 2281544 and 2281543 of form 471 Application # 841008.

Re: FRN's 2336315, 2336321, 2336319 and 2336316 of form 471 Application # 858516.

We had previously appealed with the FCC the decision by USAC to deny funding for the above FRNs for funding year 2012. In a Public Notice filed by the FCC on February 26, 2015 our appeal was denied stating that Torah Umesorah Library was ineligible to receive E-Rate services.

We are filing a request for reconsideration based on an E-mail we got from Amy Heebner of the New York State Library's E-Rate Coordinator, confirming that we were eligible to receive E-Rate services in funding year 2012. We are including a copy of that e-mail as well as a letter from Tom Nielson of Metropolitan New York Library Council also confirming our membership status in Metro for 2012. We are also including a copy of our original FCC appeal.

Sincerely,

Rabbi Binyomin Holland

Director of Development



-----Original Message-----

From: Tom Nielsen <tnielsen@metro.org>

To: Amy Heebner <Amy.Heebner@nysed.gov>

Cc: bholland <bholland@torah-umesorah.org>; Sgoldsgold <Sgoldsgold@aol.com>

Sent: Thu, Mar 26, 2015 4:54 pm

Subject: Re: Torah Umesorah E-rate Eligibility

Hi Binyomin and Simon,

In coordination with Amy I'm attaching a letter to support your E-rate eligibility.

I will forward the original to you by mail.

Please let me know if you have any questions.

Tom Nielsen

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Tom Nielsen, Member Services Manager  
Metropolitan New York Library Council (METRO)  
212 228 2320 x116

On Thu, Mar 26, 2015 at 4:39 PM, Amy Heebner <[Amy.Heebner@nysed.gov](mailto:Amy.Heebner@nysed.gov)> wrote:

According to METRO's (Metropolitan New York Library Council) letter of June 3, 2014, Torah Umesorah was a collegial member of METRO during the 2012-13 year. During that year METRO considered collegial members (and thus Torah Umesorah) to be eligible for e-rate funding. Their policy requiring members to be full members to be eligible for e-rate funding did not begin until July 1, 2013.

New York State is fortunate to have a strong infrastructure of 74 library systems that work with their member libraries, which total approximately 7,000 library buildings. It is the policy of the New York State Library to award LSTA funds solely to library systems. Libraries that are members of the library systems can receive benefits from that type of funding. This policy can be found in the State Library's current LSTA Five-Year Plan, found online at: <http://www.nysl.nysed.gov/libdev/lsta/plan1217.htm>. Each system sets the criteria for its members. See New York State Education Laws: Section 272 (2) and Section 273 (4) at <http://www.nysl.nysed.gov/libdev/excerpts/index.html>.

Mary Linda Todd is the LSTA Coordinator for New York State. As the LSTA Coordinator she does not enter into decisions that involve the E-rate eligibility of individual libraries. That is the responsibility of the State Library's E-Rate Coordinator. Currently, I am the E-Rate Coordinator for New York State.

Amy Heebner  
Library Development Specialist  
Division of Library Development  
New York State Library  
Cultural Education Center, 10B41  
Albany, NY 12230  
(518) 474-4883  
[Amy.Heebner@nysed.gov](mailto:Amy.Heebner@nysed.gov)

Metropolitan New York Library Council

57 East 11th Street  
New York, NY 10003-4605  
phone: 212 228 2320  
fax: 212 228 2598  
www.metro.org



March 25, 2015

Binyomin Holland  
Torah Umesorah  
620 Foster Avenue, 6<sup>th</sup> floor  
Brooklyn, NY 11230

Dear Mr. Holland:

This letter clarifies your membership status for the purpose of establishing your eligibility for e-rate funding.

For fiscal year 2012-2013 your membership was considered active despite your non-payment of dues during the fiscal year. Our policy regarding dues payment is quite flexible because our members have a variety of budget cycles and we receive dues payments throughout the year. In order to verify membership cancellations, we require that members send us a request to end their membership in writing. Since we did not receive such a request, your membership remained active. We received a payment dated August 27, 2013 for membership dues for fiscal years 2012-2013 and 2013-2014.

Prior to fiscal year 2013-2014, our policy for E-rate eligibility included both full and collegial METRO members and as a collegial member, Torah Umesorah was eligible. However, the policy changed on July 1, 2013, conferring eligibility to full METRO members only, for fiscal years 2013-2014 onward. At your request, I made a site visit to your new facility on May 22, 2014 to evaluate your eligibility for full member status. This change was approved and a letter documenting this status upgrade was sent to you on May 29, 2014.

To summarize, despite gaps in member dues payments and changes to our E-rate eligibility policy, Torah Umesorah has: remained a member in good standing, and eligible for E-rate funding from 2011 to the present.

If you have questions about this letter or your membership, feel free to contact me at 212 228 2320 extension 116.

Sincerely,

A handwritten signature in dark ink, which appears to read 'Tom Nielsen'.

Tom Nielsen  
Member Services Manager



July 7, 2014

To: Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12th Street, SW  
Washington, DC 20554

**Subject: Appeal of USAC Funding Decision - Docket 02-6**

**Request For Review**

From: Torah Umesorah Library

Rabbi Binyomin Holland

Entity # 16063235

620 Foster Ave. Brooklyn, NY 11230

bholland@torah-umesorah.org

We are appealing the decision by the USAC to rescind funding for FRN's 2281538, 2281539, 2281540, 2281544 and 2281543 of form 471 Application # 841008.

We are also appealing the decision by the USAC to deny funding for FRN's 2336315, 2336321, 2336319 and 2336316 of form 471 Application # 858516.

In the Funding Commitment Decision Letter dated 5/6/2014 it states "The FRN is denied because the entity requesting service in this FRN: Torah Umesorah is not eligible to receive funding based on the program rules for eligible entities. Specifically, the New York State Library has determined that Torah Umesorah is not eligible to receive state Library Services and Technology Act (LSTA) funding and is therefore also not eligible to receive E-rate support".

We originally appealed this decision directly with USAC based on the fact that we were actually an eligible Library, a member of Metropolitan New York Library Council in good standing since August of 2011. We had also included a letter from Metropolitan New York Library Council confirming our membership and eligibility for E-Rate.

In the Administrator's Decision on Appeal our appeal was denied. USAC gave the following explanation: *USAC rescinded the funding commitment for Torah Umesorah as it was determined to be ineligible for LSTA/ E-rate funding based on information provided by your State E-rate Coordinator/ METRO, who confirmed that only Full members are eligible for LSTA funding. Since you did not complete your membership requirements by paying association dues until June 3, 2014, which is outside of the Fiscal Year and grace period allowed by METRO to qualify for LSTA funding for FY 2012, Torah Umesorah was not eligible for E-rate funding in FY 2012. On appeal, you have failed to provide any evidence that USAC erred in its initial determination. Consequently, your appeal is denied.*



We are appealing this decision with the FCC because we believe that USAC has their facts wrong. In funding year 2012 collegial members were eligible for E-Rate. The policy change conferring eligibility to full members only became effective on July 1, 2013 . Please see the letter from Tom Nielsen the Member Service Manager of Metropolitan New York Library Council confirming that. In the letter from Metropolitan New York Library Council that we included in our USAC appeal it also clearly states that although our invoice of Metropolitan New York Library Council remained open until we paid it on June 3, 2014, ( the reason it was not paid was because we never received their invoice, as they did not have our new address) they did not close our membership and our membership remained in good standing.

Sincerely,

Rabbi Binyomin Holland

Director of Development

The following is included:

Letter from Tom Nielsen dated July 7, 2014

Our appeal we had sent to USAC included letter from Tom Nielsen June 3, 2014.

The Administrator's Decision on Appeal





**Metropolitan New York Library Council**

57 East 11th Street  
New York, NY 10003-4605  
phone: 212 228 2320  
fax: 212 228 2598  
www.metro.org



July 7, 2014

Binyomin Holland  
Torah Umesorah  
620 Foster Avenue, 6<sup>th</sup> floor  
Brooklyn, NY 11230

Dear Mr. Holland:

Per your request, I am confirming in writing that Torah Umesorah has paid their METRO membership dues for fiscal years, 2011-2012, 2012-2013, 2013-2014 and 2014-2015 and is a member in good standing. Furthermore, your membership upgrade from collegial to full membership is effective as of July 1, 2013. Consequently, Torah Umesorah is eligible to participate in the e-rate program.

If you have questions about this letter or your membership, feel free to contact me at 212 228 2320 extension 116.

Sincerely,

Tom Nielsen  
Member Services Manager



The National Society  
for Hebrew Day Schools

To: Letter of Appeal  
Schools and Libraries Division - Correspondence Unit  
Fax: 973-599-6542

From: Torah Umesorah Library  
Rabbi Binyomin Holland  
Entity # 16063235  
620 Foster Ave. Brooklyn, NY 11230  
bholland@torah-umesorah.org

Letter of Appeal

To Whom It May Concern:

We are appealing the decision by the USAC to rescind funding for FRN's 2281538, 2281539, 2281540, 2281544 and 2281543 of form 471 Application # 841008.

In a recent letter we received from USAC it states that funding for the above FRNs is being rescinded because " the entity requesting service in this FRN: Torah Umesorah is not eligible to receive funding based on the program rules for eligible entities. Specifically, the New York State Library has determined that Torah Umesorah is not eligible to receive state Library Services and Technology Act (LSTA) funding and is therefore also not eligible to receive E- rate support"

We are appealing this decision because we are a member of Metropolitan New York Library Council in good standing since August of 2011. We are including a letter from Metropolitan New York Library Council confirming our membership and eligibility for E-Rate.

Sincerely,

Rabbi Binyomin Holland  
Director of Development





The National Society  
for Hebrew Day Schools

To: Letter of Appeal  
Schools and Libraries Division - Correspondence Unit  
Fax: 973-599-6542

From: Torah Umesorah Library  
Rabbi Binyomin Holland  
Entity # 16063235  
620 Foster Ave. Brooklyn, NY 11230  
bholland@torah-umesorah.org

Letter of Appeal

To Whom It May Concern:

We are appealing the decision by the USAC to deny funding for FRN's 2336315, 2336321, 2336319 and 2336316 of form 471 Application # 858516.

In the Funding Commitment Decision Letter dated 5/6/2014 it states: "The FRN is denied because the entity requesting service in this FRN: Torah Umesorah is not eligible to receive funding based on the program rules for eligible entities. Specifically, the New York State Library has determined that Torah Umesorah is not eligible to receive state Library Services and Technology Act (LSTA) funding and is therefore also not eligible to receive E-rate support".

We are appealing this decision because we are a member of Metropolitan New York Library Council in good standing since August of 2011. We are including a letter from Metropolitan New York Library Council confirming our membership and eligibility for E-Rate.

Sincerely,

Rabbi Binyomin Holland  
Director of Development





Metropolitan New York Library Council

57 East 11th Street  
New York, NY 10003-4605  
phone: 212 228 2320  
fax: 212 228 2598  
www.metro.org



June 3, 2014

Binyomin Holland  
Torah Umesorah  
620 Foster Avenue, 6<sup>th</sup> floor  
Brooklyn, NY 11230

Dear Mr. Holland:

This letter summarizes your METRO membership for the purpose of establishing your eligibility for e-rate funding.

In July 2011 I received your application for METRO membership. As part of the membership process I made a site visit to your facility at 1090 Coney Island Avenue on August 4, 2011. Your membership application was accepted and an acceptance letter and invoice for \$435.38 was sent to you on August 10, 2011. Your membership officially started when we received your payment for this invoice on September 13, 2011.

In 2012 our invoice was not received by you because you had moved and we did not have your new address. Although your fiscal year 2012-2013 invoice remained open until you paid it on June 3, 2014, we did not close your membership because you never indicated to us that we should. Consequently, we have received regular member invoice payments and your membership is in good standing. Additionally, I made a site visit to your new facility on May 22, 2014 to evaluate your eligibility for full member status. This change was approved and a letter documenting this status upgrade was sent to you on May 29, 2014. Finally, your dues level was also adjusted based on changes to your budget and will be reflected in your fiscal year 2015-2016 invoice.

To summarize, Torah Umesorah has been a member in good standing from 2011 to the present and is now a full METRO member and therefore eligible for e-rate funding. If you have questions about this letter or your membership, feel free to contact me at 212 228 2320 extension 116.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Tom Nielsen'. The signature is fluid and cursive, with a large, looping 'T' and 'N'.

Tom Nielsen  
Member Services Manager



**Universal Service Administrative Company**  
Schools & Libraries Division

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**Administrator's Decision on Appeal – Funding Year 2012-2013**

June 19, 2014

Rabbi Binyomin Holland  
Torah Umesorah Library  
620 Foster Avenue  
Brooklyn, NY 11230

Re: Applicant Name: TORAH UMESORAH  
Billed Entity Number: 16063235  
Form 471 Application Number: 858516  
Funding Request Number(s): 2336315, 2336316, 2336319, 2336321  
Your Correspondence Received: June 09, 2014

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2012 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 2336315, 2336316, 2336319, 2336321

Decision on Appeal: **Denied**

Explanation:

- USAC rescinded the funding commitment for Torah Umesorah as it was determined to be ineligible for LSTA/ E-rate funding based on information provided by your State E-rate Coordinator/ METRO, who confirmed that only Full members are eligible for LSTA funding. Since you did not complete your membership requirements by paying association dues until June 3, 2014, which is outside of the Fiscal Year and grace period allowed by METRO to qualify for LSTA funding for FY 2012, Torah Umesorah was not eligible for E-rate funding in FY 2012. On appeal, you have failed to provide any evidence that USAC erred in its initial determination. Consequently, your appeal is denied.
- FCC regulations enacted pursuant to 47 U.S.C. sec. 254(h)(4) provide, in relevant part, that only libraries eligible for assistance from a State Library Administrative





**Universal Service Administrative Company**  
Schools & Libraries Division

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**Administrator's Decision on Appeal – Funding Year 2012-2013**

June 19, 2014

Rabbi Binyomin Holland  
Torah Umesorah Library  
620 Foster Avenue  
Brooklyn, NY 11230

Re: Applicant Name: TORAH UMESORAH  
Billed Entity Number: 16063235  
Form 471 Application Number: 858516  
Funding Request Number(s): 2336315, 2336316, 2336319, 2336321  
Your Correspondence Received: June 09, 2014

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2012 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 2336315, 2336316, 2336319, 2336321  
Decision on Appeal: **Denied**  
Explanation:

- USAC rescinded the funding commitment for Torah Umesorah as it was determined to be ineligible for LSTA/ E-rate funding based on information provided by your State E-rate Coordinator/ METRO, who confirmed that only Full members are eligible for LSTA funding. Since you did not complete your membership requirements by paying association dues until June 3, 2014, which is outside of the Fiscal Year and grace period allowed by METRO to qualify for LSTA funding for FY 2012, Torah Umesorah was not eligible for E-rate funding in FY 2012. On appeal, you have failed to provide any evidence that USAC erred in its initial determination. Consequently, your appeal is denied.
- FCC regulations enacted pursuant to 47 U.S.C. sec. 254(h)(4) provide, in relevant part, that only libraries eligible for assistance from a State Library Administrative

Agency under the Library Services and Technology Act (Public Law 104-208) and not excluded under paragraphs (b)(2) or (b)(3) of this section shall be eligible for discounts under this subpart. *See* 47 C.F.R. sec. 54.501(b)(1). During the review process, USAC determined if you were eligible to receive Universal Service support for libraries pursuant to this rule. This regulation clearly requires USAC to determine whether your State Library Administrative Agency has determined that the library is eligible for assistance under the LSTA. USAC concluded that you were ineligible to receive support because your State Library Administrative Agency determined that you were ineligible for assistance under the LSTA. The FCC's Bootheel Consortium Order directed USAC to permit the applicant to revise its funding request to remove the services for ineligible entities or allow the applicant to provide additional documentation to show why the relevant entity is eligible within 15 calendar days from the date of receipt of notice in writing by USAC. *See* Requests for Review of Decisions of the Universal Service Administrator by Bootheel Consortium, Silver City, New Mexico, et al., Schools and Libraries Universal Service Support Mechanism, File Nos. SLD-309634, et al., CC Docket No. 02-6, Order, 22 FCC Rcd 8747, FCC 07-62 para. 10 (May 8, 2007).

Since your appeal was denied in full, dismissed or cancelled, you may file an appeal with the FCC. Your appeal must be postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found under the Reference Area/"Appeals" of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division  
Universal Service Administrative Company



Agency under the Library Services and Technology Act (Public Law 104-208) and not excluded under paragraphs (b)(2) or (b)(3) of this section shall be eligible for discounts under this subpart. *See* 47 C.F.R. sec. 54.501(b)(1). During the review process, USAC determined if you were eligible to receive Universal Service support for libraries pursuant to this rule. This regulation clearly requires USAC to determine whether your State Library Administrative Agency has determined that the library is eligible for assistance under the LSTA. USAC concluded that you were ineligible to receive support because your State Library Administrative Agency determined that you were ineligible for assistance under the LSTA. The FCC's Bootheel Consortium Order directed USAC to permit the applicant to revise its funding request to remove the services for ineligible entities or allow the applicant to provide additional documentation to show why the relevant entity is eligible within 15 calendar days from the date of receipt of notice in writing by USAC. *See* Requests for Review of Decisions of the Universal Service Administrator by Bootheel Consortium, Silver City, New Mexico, et al., Schools and Libraries Universal Service Support Mechanism, File Nos. SLD-309634, et al., CC Docket No. 02-6, Order, 22 FCC Rcd 8747, FCC 07-62 para. 10 (May 8, 2007).

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We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division  
Universal Service Administrative Company

cc: Mr. Kasriel Nojowitz